

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Appeal No. 650 of 2005

In

Arbitration Petition No. 294 of 2003

M/s. Shilpa Shares and Securities	.. Appellant
V/s.	
Shri Maniklal Singhee and Ors.	.. Respondents

Mr. M.D. Angal for the Appellant
Mr. Mohan Jaykar i/b. M/s. M.V. Jaykar & Co. for the Respondents

**CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 04.10.2005.**

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondents. By this Appeal, the Appellant is challenging the order dated 15.3.2005 passed by the learned Single Judge in an Arbitration Petition, declining to interfere with regard to the Award passed by the learned Arbitrator. Two challenges were raised. First challenge was that the learned Arbitrator had no jurisdiction to entertain the claim. However, the learned Single Judge has observed that no such objection was taken before the learned Arbitrator and merely a communication was addressed to the National Stock Exchange is relied upon and even the learned counsel for the Appellant is unable to point out any direct objection taken before the learned Arbitrator with regard to his lack of jurisdiction. The second challenge was that the learned Arbitrator had committed an error, in holding that the claim was barred by law of limitation. With regard to the same, we have

perused paragraph 8 of the Award, wherein the learned Arbitrator has given clear reasons as to how the claim was barred by law of limitation.

2. The learned counsel for the Appellant sought to rely on Section 21 of the Arbitration and Conciliation Act, 1996, to contend that the claim was within limitation. We are afraid that Section 21 has no relevance with regard to deciding whether the claim was barred by law of limitation or not. We do not find any error or illegality in the order passed by the learned Single Judge. Appeal is devoid of merits, the same stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)